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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,062	08/01/2003	Christopher J. Dyl	19815-015001	3611
26161	7590	04/24/2008	EXAMINER	
FISH & RICHARDSON PC			LEIVA, FRANK M	
P.O. BOX 1022				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/633,062	DYL, CHRISTOPHER J.	
	<b>Examiner</b>	<b>Art Unit</b>	
	FRANK M. LEIVA	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 07 December 2007.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-23 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-23 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 01 July 2004 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Acknowledgements***

1. The examiner acknowledges claim independent claims 1, 6, 13 and 20-21 amended in the applicant's submission filed 07 December 2007.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukutome (US 2003/01009297 A1) in view of Igarashi et al (US 2006/0166744 A1).**

4. Fukutome discloses an RPG (Role Playing Game) game system in which items are obtained during a game according to achieve goals/levels and these items to be of the form of virtual objects or increase power tokens that are presented within multiple media platforms. Igarashi discloses the controlled distribution of persistent virtual objects so as to copy protect and control the number of replicas created within a game. Fukutome and Igarashi are analogous since both inventions are directly involved in the creation and distribution of virtual items.

5. **Regarding claims 1, 6 and 13; Fukutome discloses** a method dissemination of multi-media content in an online game, the method comprising: hosting, for transmission, multi-media content designated as goal-activated content; transmitting the goal-activated content to the client upon a client request, (¶ [0035-0037]), discloses a gaming network

apparatus and method for communicating stored media content through a network and (¶ [0038]) discloses receiving due to the completion of a stage, items to improve the character's strength. Fukutome is silent to limiting these items or deleting. Igarashi discloses a method of limiting dissemination of content; and instructing the client to delete the goal-activated content stored on the client, (¶ [0012]), wherein instructions for deletion of content are transmitted. Thus, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to include the dissemination controls of Igarashi on to the RPG game system of Fukutome, since Fukutome's Internet based and multiplayer environment includes dissemination of objects earned or obtained from game tasks, and transferable to other players. Controlling Fukutome's persistent goal activated content from being replicated or being used for a time period exceeding its original creation would be a predictable commercial adaptation to cut down on cheating and keep or maintain the value of these contents in the gaming market.

6. **Regarding claims 2, 11 and 14;** Fukutome discloses wherein transmitting the goal-activated content comprises transmitting the goal-activated content to the client in response to a determination that a player associated with the client has fulfilled a goal, (¶ [0004]), objects appear by shooting down enemies.

7. **Regarding claims 3, 8 and 16;** Fukutome discloses receiving a history profile from the client; maintaining a history profile having information about content received from the server and sending the history profile to the server, (¶ [0036-0037]), wherein the program records data of the stages of the game, including maps and contents of each stage thus keeping a history of the game to calculate the difficulty levels coming up.

8. **Regarding claims 12 and 15;** Fukutome discloses wherein requesting goal-activated content from the server comprises requesting goal-activated content in response to the fulfillment of the goal, (¶ [0038]).

9. **Regarding claims 4, 9 and 17;** Fukutome and Igarashi disclose all the limitations of claims 1, 3, 6 and 8 as applied above and Igarashi further discloses wherein instructing the client to delete the goal-activated content comprises instructing the client to delete goal-activated content stored on the client in accordance with the history profile, (¶ [0012]), wherein the deletion of objects are checked with the games history (records) as to direct deletion according to the replicated objects and the status of replication of the original object. It would have been obvious upon reading Igarashi to include checking game history for proper deletions as in Igarashi once combining the dissemination controls of Igarashi with the game system of Fukutome. It would be predictable to confirm the records and targeting those contents before deleting any content, since without locating the content that requires deletion there would be nothing to delete.

10. **Regarding claim 5;** Fukutome and Igarashi disclose all the limitations of claim 1 as applied above and Igarashi further discloses encrypting the goal-activated content prior to transmission to the client, (¶ [0008]), wherein creating the content to be transmitted, the replicated content is encrypted with a marker which will differentiate it from the original, such as a signature to control further replications. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use the encryption method of Igarashi in tagging replicated content before dissemination. Encrypting copy protected contents would be a predictable result of this combination of references, in order to differentiate copies from originals and keep count of number of copies disseminated.

11. **Regarding claims 7 and 19;** Fukutome and Igarashi disclose all the limitations of claims 6 and 13 as applied above and Igarashi further discloses wherein receiving an instruction from the server to delete goal-activated content comprises receiving, upon initialization of an executable program, an instruction to delete the goal-activated content, (¶ [0037]), wherein upon initiating the deletion via an input or by an update command, the program executes deletions of replicas as instructed. As discussed above, Igarashi limitations directed to the deletion of content are introduced into Fukutome's invention and thus would all be included predictable parts of the combination of Fukutome and Igarashi.

12. **Regarding claims 10 and 18;** Fukutome and Igarashi disclose all the limitations of claims 6 and 13 as applied above and Igarashi further discloses wherein receiving an instruction from the server to delete goal-activated content comprises receiving an instruction to delete all goal-activated content, (¶ [0043]). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include the "delete all content" feature of Igarashi with the invention of Fukutome as it would to include all special features taught by Igarashi upon reading Igarashi's invention. It would be obvious to try all elements taught in the invention in order to attempt to maximize improvement of Fukutome's invention making it more versatile and easy to use.

13. **Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Igarashi in view of Fukutome.**

14. **Regarding claim 20;** Igarashi discloses:

A computer-based multi-media content dissemination-limiting apparatus, (¶ [0001-0004]).

A non-volatile memory element storing data representative of multi-media content, (¶ [0027]), EEPROM.

A transceiver for receiving a connection request from a remote client on a network, (¶ [0049]), Internet network connection inherently contains receivers/transmitters for connection.

A processor for determining that the content is to be transmitted to the client; the transceiver transmitting the content, (fig. 9), 100 game delivery system including a server and communication network.

A transceiver transmitting a deletion instruction to the client, (¶ [0012]), instruction of deletion having been sent.

Igarashi is silent to the nature of the content to being goal activated yet it speaks of being a game content.

Fukutome discloses designating content as goal-activated content, (¶ [0016-0017]), disclosing the need for the player to reach a goal before he/she is allowed to that content.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include the goal activated feature of Fukutome in Igarashi's invention to make it more streamline (standard) with the games of the time.

***Claim Rejections - 35 USC § 102***

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

16. **Claim 21 is rejected under 35 U.S.C. 102(e) as being anticipated by Igarashi.**

17. **Regarding claim 21;** Igarashi discloses a method for controlling access to multi-media content by clients in a multiplayer game, the method comprising: maintaining a state for each player in a multiplayer game, (¶ [0023]); storing multi-media content for distribution to clients associated with the players in the game, including storing content in association with each of a plurality of states that can be reached by at least some of the players, (¶ [0023]); determining that a first player associated with a first client has reached a first state, and permitting access to said multi-media content by the first player, (fig. 1, ¶ [0023]), wherein the game is played in a multiple wireless apparatus and thus first player and second player give each other permission to access the others portable game, also that a player can acquire items and transmit them between apparatuses thus creating an

association and the in order to acquire an item each players state must be maintained or record kept of inventory and distribution.

**18. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Igarashi as applied to claim 21 above, and further in view of Fukutome.**

19. Regarding claims 22 and 23; Igarashi discloses all the limitations of claim 21 as applied above and from which claims 22 and 23 depend on, yet Igarashi is silent to the type of content being of goal activated. Fukutome as disclose above is of analogous art and discloses the achievement of items or content upon the reaching of certain goals. Fukutome disclose with respect to claim 22; wherein the state for a player comprises a fulfillment of a goal in the game, (¶ [0016]), where the game is continually judging the state of the player in each stage. Also Fukutome discloses with respect to claim 23; wherein determining whether the first player associated with the first client has reached the first state comprises determining whether the player has met goal requirements associated with the first state, (¶ [0016]), as sited above. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the well-known goal activated features of Fukutome into the invention of Igarashi in order to be of more streamline (standard) with the games of the time.

### ***Response to Arguments***

20. Applicant's arguments, see remarks, filed 07 December 2007, with respect to the rejection(s) of claim(s) 1-23 under 35 U.S.C §102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Igarashi and Fukutome.

### ***Conclusion***

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANK M. LEIVA whose telephone number is (571)272-2460. The examiner can normally be reached on M-Th 9:30am - 5:pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FML 04/16/2008

/Scott E. Jones/  
Primary Examiner, Art Unit 3714